

Keeping Families Strong

February, 2004

Civil Marriage v. Civil Unions What's the difference?



As the national election campaigns heat up, issues surrounding the legalization of same-sex marriages and/or civil unions are being debated everywhere. Here is a very useful description that clarifies the difference between civil and religious marriage, as well as the difference between civil unions and civil marriage. (Provided by GLAD (Gay & Lesbian Advocates and Defenders)—www.glad.org).

Framing the conversation: What's really at stake?

First, let's be clear. This discussion is about substance-not symbols. The human stakes are enormous. This document explains why civil marriage, and not civil unions, is the only way to make sure gay and lesbian couples have all of the same legal protections as other married couples.

Second, the discussion is about ending governmental discrimination against gay and lesbian families with respect to civil marriage and its legal protections and responsibilities-not about any religious rite of marriage. Every faith is and will remain free to set its own rules about who can marry and on what terms.

Third, marriage is many things to many people. But it is also a legal institution in which governmental discrimination has no place.

Let's compare civil marriage as a legal institution to civil unions as a legal institution.

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FEBRUARY PFLAG
CHAPTER
MEETING

TUESDAY
FEBRUARY 17
7:00 P.M.

Discussion:
Gay Marriage

THE DWELLING
PLACE
508 NORTH
TEJON STREET

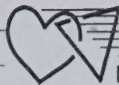
**Get Your PFLAG
Newsletter by e-mail**

Beginning with the January, 2004 issue, the Colorado Springs PFLAG newsletter will be available at our website, <http://members.tde.com/pflagcos>.

We can also send an e-mail to you with a link to the website newsletter. The website version of the newsletter can be read by using Adobe Acrobat Reader Software, available free on the internet at www.adobe.com. Thanks to Dean and Greg for making this possible!

If you would like to receive your newsletter link by e-mail, send a message to pflagcos@tde.com. We will remove you from our monthly snail-mail list and e-mail the newsletter link to you instead. You will help us to save costs of printing and mailing the newsletter.

Thanks!



Gay Marriage (cont.)

This newsletter is published by the Colorado Springs Chapter of PFLAG (Parents, Families and Friends of Lesbians and Gays).

The Colorado Springs Chapter of Parents, Families and Friends of Lesbians and Gays is a non-profit, community-based organization not affiliated with any ethnic, religious, educational, counseling, business or political group. Our purpose is to support and educate families to better understand homosexuality and to provide the community with information and insights gained through our experience and study.

To join the chapter and receive the newsletter regularly, complete and mail the membership form on page four. To receive complimentary copies of the newsletter, or if you have information to be included in the newsletter, comments or suggestions, please call Karen Flitton at 634-4433.

The next newsletter deadline is February 24, 2003.

E-mail us at CSPFLAG@aol.com

Website: <http://members.tde.com/pflagcos>

PFLAG National Office website:
<http://www.pflag.org>

**Please Always Remember to
keep our PFLAG meetings
AND CONVERSATIONS
Confidential**

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What is marriage?

Marriage is a unique legal status conferred by and recognized by governments the world over. It brings with it a host of reciprocal obligations, rights, and protections. Yet it is more than the sum of its legal parts. It is also a cultural institution. The word itself is a fundamental protection, conveying clearly that you and your life partner love each other, are united and belong by each other's side. It represents the ultimate expression of love and commitment between two people and everyone understands that. No other word has that power, and no other word can provide that protection.

What is a civil union?

A civil union is a legal status created by the state of Vermont in 2000. It provides legal protection to couples at the state law level, but omits federal protections as well as the dignity, clarity, security and power of the word "marriage."

What are some of the limitations of civil unions?

Civil unions are different from marriage, and that difference has wide-ranging implications that make the two institutions unequal. Here is a quick look at some of the most significant differences:

Portability:

Marriages are respected state to state for all purposes, but questions remain about how civil unions will be treated in other states. GLAD believes there are strong arguments that civil unions deserve respect across the country just like marriages. But the two appellate courts that have addressed the issue (in Connecticut and Georgia) have disrespected them based on the fact that their states do not grant civil unions themselves.

Ending a Civil Union:

If you are married, you can get divorced in any state in which you are a resident. But if states continue to disrespect civil unions, there is no way to end the relationship other than by establishing residency in Vermont and filing for divorce there. This has already created problems for some couples who now have no way to terminate their legal commitment.

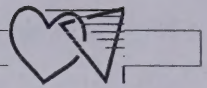
Federal Benefits:

According to a 1997 GAO report, civil marriage brings with it at least 1,049 legal protections and responsibilities from the federal government, including the right to take leave from work to care for a family member, the right to sponsor a spouse for immigration purposes, and Social Security survivor benefits that can make a difference between old age in poverty and old age in security. Civil unions bring none of these critical legal protections.

Taxes & Public Benefits for the Family:

Because the federal government does not respect civil unions, a couple with a civil union will be in a kind of limbo with regard to governmental functions performed by both state and federal governments, such as taxation, pension protections, provision of insurance for families, and means-tested

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Gay Marriage (cont.)

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programs like Medicaid. Even when states try to provide legal protections, they may be foreclosed from doing so in joint federal/state programs.

Filling out forms:

Every day, we fill out forms that ask us whether we are married or single. People joined in a civil union don't fit into either category. People with civil unions should be able to identify themselves as a single family unit, but misrepresenting oneself on official documents can be considered fraud and carries potential serious criminal penalties.

Separate & Unequal -- Second-Class Status:

Even if there were no substantive differences in the way the law treated marriages and civil unions, the fact that a civil union remains a separate status just for gay people represents real and powerful inequality. We've been down this road before in this country and should not kid ourselves that a separate institution just for gay people is a just solution here either. Our constitution requires legal equality for all. Including gay and lesbian couples within existing marriage laws is the fairest/simplest thing to do.

How real are these differences between marriage and civil unions, given that a federal law and some state laws discriminate against all marriages of same-sex couples? Would any of this change immediately with marriage of same-sex couples?

Probably not, because married same-sex couples will face other layers of discrimination against their marriages. Right now, a federal law denies recognition of same-sex unions conferred by any state for purposes of all federal programs and requirements and over 30 state laws do the same. Ending discrimination in marriage does not mean the end of all discrimination, but using the term "marriage" rather than "civil union" is an essential first step to opening the door and addressing whether continued governmental discrimination against civil marriages of gay and lesbian people makes sense.

Marriage and civil unions remain different, both in practice and in principle.

First, more than a dozen states have not taken a discriminatory position against civil marriages of gay and lesbian couples. In those states, civilly married gay and lesbian couples should be able to live and travel freely and without fear that their relationship will be disrespected. Second, even as to those states with discriminatory laws,

legally married gay and lesbian couples from those states may well face some discrimination in some quarters, but their marriages will also be treated with legal respect in other arenas. Marriages are far more likely to be respected by others than newly minted "civil unions."

Using the term marriage also prompts a discussion about fairness. Allowing same sex couples to marry (rather than enter a separate status) will allow gay and lesbian people to talk with their neighbors, their local elected officials, and the Congress about whether discrimination against their marriages is fair. Where gay and lesbian people and their children are part of the social fabric, is it right to continue discriminating against them in civil marriage? The federal government and states that have taken discriminatory positions against marriages of gay and lesbian couples could rethink those policies and go back to respecting state laws about marriage, as they have done for hundreds of years. In the end, we will not be able to have this discussion until gays and lesbians have what everyone else has: civil marriage.

Civil Marriage & Freedom of Religion

A postscript from Ron Schlittler, PFLAG National Office:

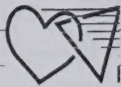
A myth: A major myth about ending discrimination in civil marriage is that it will somehow compel religious faiths to change their doctrine or practices about who they marry. This is flatly incorrect. We have freedom of religion in this country. When a court or legislature ends discrimination in civil (governmental) marriage, there is no compulsory impact on any faith. Each faith is-and will remain-free to define its own requirements for its marriage rite: who, what, when, where and why.

Some people say marriage is a sacrament. And it is for some religious faiths. But the government is not in the sacrament business. The only "marriage" to which the couples in the Massachusetts case are seeking access is civil/governmental marriage. Governmental marriage already exists side by side with each faith's different rules for their religious rite of marriage. Nothing can change that.

Two Types of Marriages:

Though people may think about marriage in different ways, there are only two types of marriage - either civil or religious. In some ceremonies, both are celebrated at once. Couples may have one or both types of marriage. However, to receive the legal protections of marriage, a couple must have a civil marriage. It is only civil marriage that can be addressed by courts or legislatures.

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**Civil Marriage & Freedom of Religion (cont.)***(Continued from page 3)*

Civil Marriage: Any couple can have a civil marriage if they meet the government's requirements. Right now, the requirements in Massachusetts are that the partners be adults, pass a blood test, and not be already married or closely related. Most of us also think about marriage as a public commitment of love and support by adult couples. The government does, too, and uses the commitment of marriage as a gateway to hundreds of legal protections, responsibilities and benefits established by the state, and over 1000 by the federal government. Ever since the founding of this country, states have regulated who may enter into a marriage and under what conditions.

Religious Rite of Marriage: Only couples who meet the requirements of a particular faith tradition can have a religious marriage. Religions have complete autonomy in deciding which marriages they will consecrate; they do whatever suits their faith tradition. Some religions will not marry people who were divorced, or people of different faiths, even though these same people could have a civil marriage. Every religious community always has the right to perform or not perform any marriage rite it deems appropriate, regardless of the partners' sex. Religious marriages do not convey legal rights or responsibilities.

Freedom of Religion: The First Amendment to the U.S. Constitution protects every citizen's right to freedom of religion: "Congress shall make no law respecting an estab-

BULLETIN BOARD

February 7— 4th Annual PPGLCC (Pikes Peak Gay and Lesbian Community Center) Community Awards Dinner— Guest Speaker: Leslie Feinberg, author of "Stone Butch Blues". For more information, call the Center at 471-4429.

February 19-22—Boulder PFLAG sponsors a series of talks: "Moving Beyond Rhetoric and Getting to the Real Issues" - featuring Dr. Robert Minor, Professor of Religious Studies at the University of Kansas. Topics include Scared Straight—Growing Up in the U.S.A.; Free. For more information, call Karen 634-4433.

lishment of religion, or prohibiting the free exercise thereof..." The founders of American government, who fled religious persecution in Europe, made it clear from the beginning that in this new nation religion and government would exist side by side, and the law would not define religious practice. In addition to allowing free rein to religious practice, our Constitution protects freedom of religion by preventing any one religion from dictating the content of law. For all religious views to be protected and respected, it is critical that laws not be made with a particular religious viewpoint in mind, including laws about civil marriage.

As a result of American freedom of religion, each faith can independently answer the question of whether they wish gay and lesbian couples to marry within their religious tradition, and this will remain true no matter what the government does with regard to civil marriage.

KEEPING FAMILIES STRONG

A membership in PFLAG extends a helping hand to families who have gay members; provides educational material for families and the public; and offers a family voice that stands for equality and justice for all human beings. You can join at any time of the year. The current membership year extends from October 1, 2003 to September 30, 2004.

Name(s) of Member(s): _____

____ New member ____ Renewing member

Address: _____

City: _____

State: _____ Zip Code: _____

Home Phone: _____ Work Phone: _____

e-mail: _____

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____ Supporting	\$ 60

____ Other Contribution \$ _____

Total \$ _____

Make checks payable to Colorado Springs PFLAG and mail to P.O. Box 10076, Colorado Springs, CO 80932. Membership fee and contributions are tax deductible. All information will remain confidential. PFLAG is a 501(C) 3 nonprofit organization. If you need a receipt for tax purposes, please call 650-2480